

ESTTA Tracking number: **ESTTA614544**Filing date: **07/09/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

| | | | |
|---------|--|-------------|----------|
| Name | Family Dollar Stores of Michigan, Inc. | | |
| Entity | Corporation | Citizenship | Michigan |
| Address | 10401 Old Monroe Road Matthews, NC 28105 UNITED STATES | | |

| | |
|----------------------|---|
| Attorney information | Frank L. Politano K&L Gates LLP Tenth Floor One Newark Center Newark, NJ 07102 UNITED STATES nwtrademarks@klgates.com Phone:9738484150 |
|----------------------|---|

Registration Subject to Cancellation

| | | | |
|--------------------------------|---|---------------------------------|------------|
| Registration No | 4303419 | Registration date | 03/19/2013 |
| International Registration No. | NONE | International Registration Date | NONE |
| Registrant | Vetalogica Pty Ltd 50 Elizabeth St, AUSTRALIA | | |

Goods/Services Subject to Cancellation

Class 005. First Use: 0 First Use In Commerce: 0

All goods and services in the class are cancelled, namely: Pharmaceutical preparations in this class for the treatment of arthritis for use in veterinary medicine; veterinary preparations for treating separation anxiety in dogs; medical preparations for the treatment of skin conditions for use in veterinary medicine; sanitary preparations for veterinary medical purposes; dietetic substances adapted for veterinary use, namely, medical animal feed; fungicides for veterinary use; fungicides for medical use; vitamin supplements; vitaminsupplements for animals, birds and fish; mineral supplements; mineral supplements for animals, birds and fish; dietary supplements; dietary supplements for animals, birds and fish; herbal supplements; herbal supplements for animals, birds and fish; animal health care products, namely, pharmaceutical products for skin care for animals; chemicals and chemical-preparations for veterinary and animal,birds and fish health care purposes, namely, chemical re-agents veterinary purposes; nutritional feed supplements and animal feed additive for use as a nutritional supplement for medical purposes for animals, birds and fish; hygiene and beauty care products for animals, birds andfish, namely, disinfectants; probiotic cultures, namely, pharmaceutical preparations consisting of probiotic cultures for the treatment of deficiencies of the gastrointestinal system, dietary supplements consisting of probiotic cultures; prebiotic cultures, namely, pharmaceutical preparations consisting of prebiotic cultures for the treatment of deficiencies of the immune system, dietary supplements consisting of prebiotic cultures

Class 035. First Use: 0 First Use In Commerce: 0


All goods and services in the class are cancelled, namely: Retailing store services featuring veteri-

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|--|
| any products; wholesale store services featuring veterinary products |
|--|

Grounds for Cancellation

| | |
|--------------------------------------|----------------------------|
| False suggestion of a connection | Trademark Act section 2(a) |
| Abandonment | Trademark Act section 14 |
| Priority and likelihood of confusion | Trademark Act section 2(d) |

Mark Cited by Petitioner as Basis for Cancellation

| | | | |
|----------------------|--|-----------------------|------------|
| U.S. Application No. | 85943956 | Application Date | 05/28/2013 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | WE PETS | | |
| Design Mark |  | | |
| Description of Mark | The mark consists of the words WE and PETS written in red stylized letters on either side of a red heart with a gray circular ring attached at the top of the heart. | | |
| Goods/Services | Class 035. First use: First Use: 2010/04/29 First Use In Commerce: 2010/04/29 retail variety store services | | |

| | |
|-------------|---|
| Attachments | 85943956#TMSN.jpeg(bytes) CH-#3224303-v1-Signed_Petition_for_Cancellation.PDF(448367 bytes) |
|-------------|---|

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|---------------------|
| Signature | /Frank L. Politano/ |
| Name | Frank L. Politano |
| Date | 07/09/2014 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Trademark Registration No.: 4,303,419

Filed: May 20, 2012

Registered: March 19, 2013

Mark: WE LOVE PETS

FAMILY DOLLAR STORES OF MICHIGAN, INC.,)

Petitioner,)

v.)

VETALOGICA PTY LTD,)

Registrant.)

Cancellation No. _____

PETITION FOR CANCELLATION

Family Dollar Stores of Michigan, Inc., a Michigan corporation, having its principal place of business at 10401 Old Monroe Road, Matthews, NC 28105 ("Petitioner"), believes that it is being and will continue to be damaged by, and hereby petitions to cancel, Trademark Registration No. 4,303,419, registered March 19, 2013 for the mark WE LOVE PETS. The grounds for cancellation are as follows:

1. The trademark WE LOVE PETS is the subject of a United States trademark registration, Registration No. 4,303,419 ("the '419 Registration"). A true and correct copy of the registration certificate for the WE LOVE PETS mark and the status page from the United States Patent and Trademark Office ("USPTO") website are attached as **Exhibit A**.

2. On information and belief, the '419 Registration and the WE LOVE PETS trademark are owned by Vetalogica Pty Ltd, an Australian Proprietary Limited entity, with a place of business at 50 Elizabeth Street, Wetherill Park NSW2164, Australia ("Respondent").

3. The '419 Registration covers the following goods and services:
"Pharmaceutical preparations in this class for the treatment of arthritis for use in veterinary medicine; veterinary preparations for treating separation anxiety in dogs; medical preparations for the treatment of skin conditions for use in veterinary medicine; sanitary preparations for veterinary medical purposes; dietetic substances adapted for veterinary use, namely, medical animal feed; fungicides for veterinary use; fungicides for medical use; vitamin supplements; vitamin supplements for animals, birds and fish; mineral supplements; mineral supplements for animals, birds and fish; dietary supplements; dietary supplements for animals, birds and fish; herbal supplements; herbal supplements for animals, birds and fish; animal health care products, namely, pharmaceutical products for skin care for animals; chemicals and chemical preparations for veterinary and animal, birds and fish health care purposes, namely, chemical reagents veterinary purposes; nutritional feed supplements and animal feed additive for use as a nutritional supplement for medical purposes for animals, birds and fish; hygiene and beauty care products for animals, birds and fish, namely, disinfectants; probiotic cultures, namely, pharmaceutical preparations consisting of probiotic cultures for the treatment of deficiencies of the gastrointestinal system, dietary supplements consisting of probiotic cultures; prebiotic cultures, namely, pharmaceutical preparations consisting of prebiotic cultures for the treatment of deficiencies of the immune system, dietary supplements consisting of prebiotic cultures" in International Class 5 and "Retailing store services featuring veterinary products; wholesale store services featuring veterinary products" in International Class 35.

4. The application for the WE LOVE PETS mark was filed in the USPTO on May 20, 2012, and registered on March 19, 2013, pursuant to Section 66(a) of the

Trademark Act, 15 U.S.C. §1141f(a), without any claim of nor any evidence of use of the WE LOVE PETS mark in commerce in the United States.

5. On May 28, 2013, Petitioner filed Application Serial No. 85/943,956 in the USPTO, based on use in commerce, to register the mark WE PETS and Design (the "Mark") for the services "retail variety store services" in International Class 35 (the "Petitioner's Services"). See **Exhibit B**.

6. The Examining Attorney responsible for Petitioner's Application 85/943,956 refused registration under Section 2(d) of the Trademark Act on the grounds that, in the Examining Attorney's view, Petitioner's Mark when used in conjunction with Petitioner's Services, so resembled the WE LOVE PETS mark in Respondent's '419 Registration as to be likely to cause confusion, mistake and deception. As such, and for this among other reasons, the continued existence of Respondent's registration will prevent the application for Petitioner's Mark from registering, and Petitioner is being and will continue to be damaged by the continued registration of Respondent's mark.

7. Petitioner, since at least as early as April 29, 2010, and long prior to any date upon which Respondent can rely for purposes of priority, has used and continues to use the mark WE PETS & Design in commerce in connection with retail variety store services, and has accrued common law rights to the Mark.

8. The Petitioner's Services are now and, long prior to any date upon which Respondent can rely for purposes of priority, have been widely advertised and promoted by Petitioner under the Mark in interstate commerce in the United States.

9. Petitioner's Mark is now and, long prior to any date upon which Respondent can rely for purposes of priority, has been used in and on, among other things, advertisements, internet web sites, signage, and promotional literature bearing the Mark and related to the Petitioner's Services.

10. The Mark, through its use and extensive marketing and advertising, has become widely recognized, widely and favorably known, and widely associated with Petitioner, and is therefore of significant value to Petitioner.

11. On information and belief, Respondent is not currently offering for sale, selling or distributing in commerce the stated goods and services in the '419 Registration under the WE LOVE PETS mark.

12. On information and belief, Respondent did not, prior to April 29, 2010, offer for sale, sell or in commerce the stated goods and services in the '419 Registration under the WE LOVE PETS mark.

13. The WE LOVE PETS mark in the '419 Registration is confusingly similar in sight, sound, connotation and commercial impression to Petitioner's Mark.

14. The goods and services recited in the '419 Registration are similar or related, and some of the services recited in the '419 Registration are virtually identical, to the services in connection with which Petitioner uses and has used the Mark.

15. On information and belief, the channels of trade for the WE LOVE PETS goods and services recited in the '419 Registration are identical or similar to the channels of trade for the Petitioner's Services in connection with which Petitioner uses and has used its Mark.

16. On information and belief, the consumers of the goods and services recited in the '419 Registration are identical or similar to the consumers of the services provided by Petitioner in connection with the Mark.

17. On information and belief, the conditions under which goods and services are sold under the WE LOVE PETS mark are identical or similar to the conditions under which the Petitioner's Services are sold under the Mark.

18. On information and belief, the WE LOVE PETS mark in the '419 Registration so resembles Petitioner's previously and continuously used Mark so as to be likely, when used in connection with the goods and services recited in the '419 Registration, to cause confusion, to cause mistake, and to deceive, with consequent injury to Petitioner and the public.

19. On information and belief, the WE LOVE PETS mark in the '419 Registration so resembles Petitioner's Mark as to be likely, when used in connection with the goods and services recited in the '419 Registration, to lead to the belief that such goods and services are sponsored by, affiliated with, approved by, licensed by, or otherwise emanate from Petitioner, with consequent injury to Petitioner and the public.

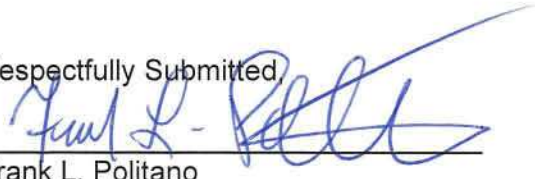
20. Accordingly, Petitioner asserts that Registration No. 4,303,419 should be cancelled pursuant to 15 U.S.C. §1064 because the registration gives exclusive statutory rights to Respondent in the WE LOVE PETS mark in violation and derogation of the prior and superior rights of Petitioner in the WE PETS and Design mark, and the continued existence of the '419 Registration damages Petitioner.

WHEREFORE, Petitioner asks that Registration No. 4,303,419 be cancelled in its entirety, and that this Petition for Cancellation be sustained in favor of Petitioner and for such other and further relief as may be deemed necessary and proper.

Submitted herewith is \$600.00 in payment of the requisite fee for filing of this Petition for Cancellation. Any additional fees that may be due may be charged and any overpayment of fees may be credited to Deposit Account 18-1215 of the undersigned law firm.

Date: July 9, 2014

Respectfully Submitted,



Frank L. Politano
Attorney for Petitioner
K&L Gates LLP
One Newark Center
Tenth Floor
Newark, NJ 07102
Tel.: (973) 848-4150
Fax: (973) 556-1570
Frank.Politano@klgates.com

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that a copy of the foregoing Petition for Cancellation is being deposited with the United States Postal Service with sufficient postage as first-class mail this 9th day of July, 2014, in an envelope addressed to Respondent's Correspondent of record at:

Scott Shahidi
50 Elizabeth St
Wetherill Park NSW2164
AUSTRALIA



Frank L. Politano

EXHIBIT A

Generated on: This page was generated by TSDR on 2014-07-09 09:45:15 EDT

Mark: WE LOVE PETS

We Love Pets

US Serial Number: 79117257

Application Filing Date: May 20, 2012

US Registration Number: 4303419

Registration Date: Mar. 19, 2013

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 19, 2013

Publication Date: Jan. 01, 2013

Mark Information

Mark Literal Elements: WE LOVE PETS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1127555

International Registration Date: May 20, 2012

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations in this class for the treatment of arthritis for use in veterinary medicine; veterinary preparations for treating separation anxiety in dogs; medical preparations for the treatment of skin conditions for use in veterinary medicine; sanitary preparations for veterinary medical purposes; dietetic substances adapted for veterinary use, namely, medical animal feed; fungicides for veterinary use; fungicides for medical use; vitamin supplements; vitamin supplements for animals, birds and fish; mineral supplements; mineral supplements for animals, birds and fish; dietary supplements; dietary supplements for animals, birds and fish; herbal supplements; herbal supplements for animals, birds and fish; animal health care products, namely, pharmaceutical products for skin care for animals; chemicals and chemical preparations for veterinary and animal, birds and fish health care purposes, namely, chemical reagents veterinary purposes; nutritional feed supplements and animal feed additive for use as a nutritional supplement for medical purposes for animals, birds and fish; hygiene and beauty care products for animals, birds and fish, namely, disinfectants; probiotic cultures, namely, pharmaceutical preparations consisting of probiotic cultures for the treatment of deficiencies of the gastrointestinal system, dietary supplements consisting of probiotic cultures; prebiotic cultures, namely, pharmaceutical preparations consisting of prebiotic cultures for the treatment of deficiencies of the immune system, dietary supplements consisting of prebiotic cultures

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 66(a)

For: Retailing store services featuring veterinary products; wholesale store services featuring veterinary products

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Vetalogica Pty Ltd

Owner Address: 50 Elizabeth St,
Wetherill Park NSW 2164
AUSTRALIA

Legal Entity Type: Proprietary Limited

**State or Country Where
Organized:** AUSTRALIA

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

**Correspondent
Name/Address:** Scott Shahidi
VETALOGICA PTY LTD
Elizabeth St
50
Wetherill Park NSW2164
AUSTRALIA

Phone: +61404457400

Correspondent e-mail: scott@vetalogica.com.au

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

| Date | Description | Proceeding Number |
|---------------|--|----------------------|
| Jun. 12, 2014 | CHANGE OF NAME/ADDRESS REC'D FROM IB | |
| Jan. 28, 2014 | TEAS CHANGE OF CORRESPONDENCE RECEIVED | |
| Jul. 14, 2013 | FINAL DECISION TRANSACTION PROCESSED BY IB | |
| Jun. 24, 2013 | FINAL DISPOSITION NOTICE SENT TO IB | |
| Jun. 24, 2013 | FINAL DISPOSITION PROCESSED | 68359 |
| Jun. 19, 2013 | FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB | |
| Mar. 19, 2013 | REGISTERED-PRINCIPAL REGISTER | |
| Jan. 14, 2013 | NOTIFICATION PROCESSED BY IB | |
| Jan. 01, 2013 | PUBLISHED FOR OPPOSITION | |
| Dec. 12, 2012 | NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB | |
| Dec. 12, 2012 | NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB | |
| Dec. 12, 2012 | NOTICE OF PUBLICATION | |
| Nov. 29, 2012 | LAW OFFICE PUBLICATION REVIEW COMPLETED | 74221 |
| Nov. 28, 2012 | ASSIGNED TO LIE | 74221 |
| Nov. 14, 2012 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| Nov. 09, 2012 | TEAS/EMAIL CORRESPONDENCE ENTERED | 88889 |
| Nov. 09, 2012 | CORRESPONDENCE RECEIVED IN LAW OFFICE | 88889 |
| Nov. 09, 2012 | TEAS RESPONSE TO OFFICE ACTION RECEIVED | |
| Oct. 26, 2012 | REFUSAL PROCESSED BY IB | |
| Oct. 03, 2012 | NON-FINAL ACTION MAILED - REFUSAL SENT TO IB | |
| Oct. 03, 2012 | REFUSAL PROCESSED BY MPU | 67445 |
| Oct. 03, 2012 | NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW | |
| Oct. 02, 2012 | NON-FINAL ACTION WRITTEN | 76626 |
| Sep. 27, 2012 | NON-FINAL ACTION MAILED | |
| Sep. 27, 2012 | NON-FINAL ACTION WRITTEN | 76626 |
| Sep. 27, 2012 | NON-FINAL ACTION (IB REFUSAL) WITHDRAWN FOR REVIEW | 68359 |
| Sep. 27, 2012 | NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW | |
| Sep. 26, 2012 | NON-FINAL ACTION WRITTEN | 76626 |
| Sep. 25, 2012 | APPLICATION FILING RECEIPT MAILED | |
| Sep. 21, 2012 | ASSIGNED TO EXAMINER | 76626 |

Sep. 21, 2012 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM

Sep. 20, 2012 SN ASSIGNED FOR SECT 66A APPL FROM IB

International Registration Information (Section 66a)

International Registration
Number: 1127555

International Registration
Date: May 20, 2012

Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION
PROCESSED

Date of International
Registration Status: Sep. 20, 2012

Notification of
Designation Date: Sep. 20, 2012

Date of Automatic
Protection: Mar. 20, 2014

International Registration
Renewal Date: May 20, 2022

First Refusal Flag: Yes

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 19, 2013

United States of America

United States Patent and Trademark Office

We Love Pets

Reg. No. 4,303,419

Registered Mar. 19, 2013

Int. Cls.: 5 and 35

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

VETALOGICA PTY LTD (AUSTRALIA PROPRIETARY LIMITED)
UNIT 3/10 VICTORIA AVENUE
CASTLE HILL; NSW 2154, AUSTRALIA

FOR: PHARMACEUTICAL PREPARATIONS IN THIS CLASS FOR THE TREATMENT OF ARTHRITIS FOR USE IN VETERINARY MEDICINE; VETERINARY PREPARATIONS FOR TREATING SEPARATION ANXIETY IN DOGS; MEDICAL PREPARATIONS FOR THE TREATMENT OF SKIN CONDITIONS FOR USE IN VETERINARY MEDICINE; SANITARY PREPARATIONS FOR VETERINARY MEDICAL PURPOSES; DIETETIC SUBSTANCES ADAPTED FOR VETERINARY USE, NAMELY, MEDICAL ANIMAL FEED; FUNGICIDES FOR VETERINARY USE; FUNGICIDES FOR MEDICAL USE; VITAMIN SUPPLEMENTS; VITAMIN SUPPLEMENTS FOR ANIMALS, BIRDS AND FISH; MINERAL SUPPLEMENTS; MINERAL SUPPLEMENTS FOR ANIMALS, BIRDS AND FISH; DIETARY SUPPLEMENTS; DIETARY SUPPLEMENTS FOR ANIMALS, BIRDS AND FISH; HERBAL SUPPLEMENTS; HERBAL SUPPLEMENTS FOR ANIMALS, BIRDS AND FISH; ANIMAL HEALTH CARE PRODUCTS, NAMELY, PHARMACEUTICAL PRODUCTS FOR SKIN CARE FOR ANIMALS; CHEMICALS AND CHEMICAL PREPARATIONS FOR VETERINARY AND ANIMAL, BIRDS AND FISH HEALTH CARE PURPOSES, NAMELY, CHEMICAL REAGENTS VETERINARY PURPOSES; NUTRITIONAL FEED SUPPLEMENTS AND ANIMAL FEED ADDITIVE FOR USE AS A NUTRITIONAL SUPPLEMENT FOR MEDICAL PURPOSES FOR ANIMALS, BIRDS AND FISH; HYGIENE AND BEAUTY CARE PRODUCTS FOR ANIMALS, BIRDS AND FISH, NAMELY, DISINFECTANTS; PROBIOTIC CULTURES, NAMELY, PHARMACEUTICAL PREPARATIONS CONSISTING OF PROBIOTIC CULTURES FOR THE TREATMENT OF DEFICIENCIES OF THE GASTROINTESTINAL SYSTEM, DIETARY SUPPLEMENTS CONSISTING OF PROBIOTIC CULTURES; PREBIOTIC CULTURES, NAMELY, PHARMACEUTICAL PREPARATIONS CONSISTING OF PREBIOTIC CULTURES FOR THE TREATMENT OF DEFICIENCIES OF THE IMMUNE SYSTEM, DIETARY SUPPLEMENTS CONSISTING OF PREBIOTIC CULTURES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).



FOR: RETAILING STORE SERVICES FEATURING VETERINARY PRODUCTS; WHOLESALE STORE SERVICES FEATURING VETERINARY PRODUCTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

Lea Street Lea

Acting Director of the United States Patent and Trademark Office

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

Reg. No. 4,303,419 OWNER OF INTERNATIONAL REGISTRATION 1127555 DATED 5-20-2012, EXPIRES 5-20-2022.

SER. NO. 79-117,257, FILED 5-20-2012.

BARBARA RUTLAND, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT B

Generated on: This page was generated by TSDR on 2014-07-09 09:52:18 EDT

Mark: WE PETS



US Serial Number: 85943956

Application Filing Date: May 28, 2013

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jan. 13, 2014

Mark Information

Mark Literal Elements: WE PETS

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the words WE and PETS written in red stylized letters on either side of a red heart with a gray circular ring attached at the top of the heart.

Color Drawing: Yes

Color(s) Claimed: The color(s) red and gray is/are claimed as a feature of the mark.

Disclaimer: "PETS"

Design Search Code(s): 02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: retail variety store services

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 29, 2010

Use in Commerce: Apr. 29, 2010

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Family Dollar Stores of Michigan, Inc.

Owner Address: 10401 Old Monroe Road
Matthews, NORTH CAROLINA 28105
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** MICHIGAN

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan S. Jackson

Docket Number: 2801230.0069

Attorney Primary Email chicago.trademarks@klgates.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: SUSAN S. JACKSON
K&L GATES LLP
PO BOX 33144
CHARLOTTE, NORTH CAROLINA 28233-3144
UNITED STATES

Phone: 704 331 7410

Fax: 704 353 3600

Correspondent e-mail: chicago.trademarks@klgates.com cindy.owens@klgates.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

| Date | Description | Proceeding Number |
|---------------|---|-------------------|
| Jan. 13, 2014 | NOTIFICATION OF NON-FINAL ACTION E-MAILED | 6325 |
| Jan. 13, 2014 | NON-FINAL ACTION E-MAILED | 6325 |
| Jan. 13, 2014 | NON-FINAL ACTION WRITTEN | 74677 |
| Dec. 23, 2013 | TEAS/EMAIL CORRESPONDENCE ENTERED | 88889 |
| Dec. 23, 2013 | CORRESPONDENCE RECEIVED IN LAW OFFICE | 88889 |
| Dec. 23, 2013 | TEAS RESPONSE TO OFFICE ACTION RECEIVED | |
| Jun. 25, 2013 | NOTIFICATION OF NON-FINAL ACTION E-MAILED | 6325 |
| Jun. 25, 2013 | NON-FINAL ACTION E-MAILED | 6325 |
| Jun. 25, 2013 | NON-FINAL ACTION WRITTEN | 74677 |
| Jun. 23, 2013 | ASSIGNED TO EXAMINER | 74677 |
| Jun. 07, 2013 | NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK E-MAILED | |
| Jun. 06, 2013 | NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM | |
| May 31, 2013 | NEW APPLICATION ENTERED IN TRAM | |

TM Staff and Location Information

TM Staff Information

TM Attorney: GARDNER, DAWNA BERYL

Law Office Assigned: LAW OFFICE 117

File Location

Current Location: LAW OFFICE 117 - EXAMINING ATTORNEY
ASSIGNED

Date in Location: Jan. 13, 2014